

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MOBIUS MANAGEMENT SYSTEMS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 05-346 SLR
	)	
ACARTUS, INC.,	)	
	)	
Defendant.	)	
	)	

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**NOTICE OF DEPOSITION TO MITCHELL GROSS**

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Defendant Acartus Inc. will take the deposition of Mitchell Gross, President of Mobius Management Systems, Inc. The deposition will take place on October 11, 2006, at 9:00 a.m. at the offices of Choate, Hall & Stewart, Two International Place, Boston Massachusetts 02110, or at a time and place to be agreed upon by counsel for the parties.

The deposition will be taken before an officer duly authorized to administer oaths and will continue from day to day until completed. The deposition may be recorded by stenographic, audio, and audiovisual means.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

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*/s/ Mary B. Graham*

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*Attorneys for Defendant Acartus, Inc.*

Dated: August 31, 2006  
534998

**CERTIFICATE OF SERVICE**

I hereby certify that on August 31, 2006, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to the following:

Kurt Michael Heyman  
PROCTOR HEYMAN LLP  
1116 West Street  
Wilmington, DE 19801

Additionally, I hereby certify that true and correct copies of the foregoing were caused to be served on August 31, 2006 upon the following individuals in the manner indicated:

**BY E-MAIL:**

Kurt Michael Heyman  
PROCTOR HEYMAN LLP  
1116 West Street  
Wilmington, DE 19801

**BY E-MAIL:**

Jonathan M. Wagner  
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*/s/ Mary B. Graham*

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Mary B. Graham (#2256)